

R20-61

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE
ACCEPTING OF THE SETTLEMENT OFFER FROM GOLD
MEDAL ENVIRONMENTAL OF NEW JERSEY, INC., A NEW
JERSEY CORPORATION AND AUTHORIZING THE MAYOR,
SOLICITOR AND/OR BOROUGH CLERK TO EXECUTE
DOCUMENTS IN FURTHERANCE OF THE SETTLEMENT**

WHEREAS, the Borough Council of the Borough of Merchantville authorized the presentation of a Claim pursuant to the letter dated September 23, 2019 (attached) against Gold Medal Environmental of New Jersey, Inc., a New Jersey corporation ("Gold Medal"), relative to the demand for liquidated damages for allegations of certain infractions occurring during the course of the performance of Gold Medal's contractual obligations as per the solid waste and recycling contract entered into by the parties on December 14, 2015; and

WHEREAS, Gold Medal has offered the sum of Twenty Thousand Dollars (\$20,000.00), plus other good and valuable consideration, in full and final settlement of any and all claims as specified in this lawsuit, payable to the Borough of Merchantville; and

WHEREAS, the Borough Council of the Borough of Merchantville deems it in the best interest of the Borough of Merchantville to accept this settlement offer and conclude this lawsuit;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Borough Council of the Borough of Merchantville, that the offer tendered in this matter by Gold Medal Environmental of New Jersey, Inc., a New Jersey corporation, in the amount of Twenty Thousand Dollars (\$20,000.00), plus other good and valuable consideration, in full and final settlement of any and all claims as stated herein be and hereby is accepted; and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Merchantville that Edward F. Brennan, the Mayor of the Borough of Merchantville, Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Merchantville and/or Denise Brouse, Borough Clerk, be and are hereby authorized to execute any and all documents necessary to effect the terms and conditions of this settlement.

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Merchantville that payment of the agreed-to settlement amount of Twenty Thousand Dollars (\$20,000.00) shall be made from funds presently in escrow with the Borough, representing the monthly payments due to Gold Medal under the Contract for the months of February, March, April, May, June, July, August, and part of September of 2019, in an amount totaling One Hundred, Twenty-eight Thousand Dollars (\$128,000.00), with the balance of the escrowed funds totaling One Hundred, Eight Thousand Dollars (\$108,000.00) being paid to Gold Medal in satisfaction of work performed and payments due to Gold Medal under the Contract for the months of February, March, April, May, June, July, August, and part of September of 2019.

April 27, 2020

THE BOROUGH OF MERCHANTVILLE

BY: _____
EDWARD F. BRENNAN, MAYOR

ATTEST:

DENISE BROUSE, BOROUGH CLERK

I, **DENISE BROUSE**, Borough Clerk of the Borough of Merchantville, do hereby certify the foregoing to be a true and correct copy of the Resolution adopted by Borough Council at a meeting of said Borough Council on April 27, 2020, and that said Resolution passed by a majority vote of the members of Borough Council.

DENISE BROUSE, BOROUGH CLERK